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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,130	06/25/2004	Ryosuke Miyamoto	03500.017020.	7158

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EXAMINER	
ZHU, RICHARD Z	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
09/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,130	MIYAMOTO, RYOSUKE	
	Examiner	Art Unit	
	RICHARD ZHU	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-7,12,17,20,21 and 23-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 5-7, 12, 17, 20-21, and 23-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/08/2010 has been entered.

Status of the Claims

2. Claims 1, 5-7, 12, 17, 20-21, and 23-27 are pending.

Response to Applicant's Arguments

3. In view of this argument, previous grounds of rejections are withdrawn in favor of new grounds of rejections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 12, 17, 20 and 26 are rejected under 35 USC 103(a) as being unpatentable over ***Alsop (US 6795829 B2)*** in view of ***Baker (US 7127433 B2)*** and ***Ishii et al (US 2001/0034745 A1)***.

Regarding the apparatus of Claim 1 and therefore the method of Claim 12 and program steps of Claim 17, ***Alsop*** discloses an information processing apparatus for managing an image processing apparatus **(Fig 1 and see Col 3, Rows 50-60, central computer 2 maintaining a database for managing a plurality of printers)** having a plurality of operation modes including a first operation mode for outputting image data and a second operation mode for outputting print data **(Col 5, Rows 38-43, a plurality of operation power consumption modes)**, and a power control mode which does not involve processing related to an image **(Col 5, Row 41, "power save")**, the information processing apparatus comprising:

a counting unit that counts a page outputting number for the first operation mode **(Col 8, Rows 35-42 and see Col 10, Row 54 – Col 11, Row 8, a processor executing program codes for calculating a printer's page count base on a desired time unit. The examiner notes that the processor serves the function of distinct units require by the instant claim)**;

a timing unit that times an operation time for the second operation mode **(Col 9, Rows 50-52, determining the amount of time a given printer is in each of its various power consumption modes)**;

a memory unit **(Col 3, Rows 50-54, a storage in computer 2 that stores a database of information)** that stores a power consumption amount per page for the first operation mode **(Col 9, Rows 28-40, per page cost includes variable cost, i.e., power consumption per page + fixed cost per page = per page cost; Col 9, Rows 48-50. Thus, variable cost**

per page == power consumption per page) and a power consumption amount per unit time for the second operation mode (**Col 9, Rows 48-57, if in printer mode, power consumption per page could be calculated by setting amount of time to time it takes to print one page. In other modes, powers are calculated by amount of time in said mode multiply by power consumption rates in said mode. One would do this because *Alsop* suggested that one could set time unit to whatever one desires, Col 8, Rows 40-42**);

a calculation unit that calculates a power consumption amount of the image processing apparatus for the second operation mode by multiplying the power consumption amount per unit time stored by said memory unit and the operation time timed by said timing unit (**Col 9, Rows 50-55, determining the amount of time a given printer is in each of its various power consumption modes to thereby multiply the time values by power consumption rates in the particular modes to calculate total power consumed in each mode**) and a power consumption amount of the image processing apparatus for the power control mode (**Col 5, Rows 43-44, Col 7, Rows 38-39 and Col 9, Rows 50-57**); and

a preparation unit that prepares statistical information concerning the power consumption amount of the image processing apparatus first the first operation mode, second operation mode and power control mode calculated by said calculation unit (**Col 8, Rows 10-13, collecting data to make a database**).

Although ***Alsop*** discloses power consumption amount per page is calculated from total cost (**including variable cost or power consumption amount**) of item per desired time unit divided by counted page outputting numbers per said desired time unit, ***Alsop*** does not

suggest the calculation unit calculates a power consumption amount of the image processing apparatus by multiplying the power consumption amount per page stored by said memory unit and the page outputting number counted by said counting unit.

Baker, in the art of generating pricing / cost statistical data for managing a fleet of computer printer devices, suggests that the total cost of consuming a service of an image processing apparatus for a desired time unit (**See abstract, contract time period**) can be calculated by multiplying a rate cost per page with number of pages counted (**Col 5, Rows 12-38, "Quantity" refers to number of printers in question and "term" being contract time period**).

One of ordinary skill in the art at the time of the invention would've recognize ***Alsop*** suggests the mathematic relationship that defines a power consumption amount as the result of multiplying the power consumption amount per page and page outputting number counted through simple mathematical inductions. Further, given a calculated value for per page cost, one of ordinary skill in the art at the time of the invention would've been inspired by ***Baker*** to calculate subsequent total power consumption amount by multiplying power consumption amount per page (**parallels *Baker*'s PM cost per page**) with page outputting number counted (**parallels *Baker*'s "No. Pages per unit" while holding variable Quantity to 1 for the printer in question and term to whatever desired time unit as suggested by *Alsop*, Col 8, Rows 40-42**) so that one could calculate power consumption statistic for a desired number of pages one would wish to print in order to deduce the pricing data for printer services of a fleet of printers.

While ***Alsop*** specifies printer ID in creating a database of compiled statistics concerning power consumption for the specified printer, ***Alsop*** does not specify a user id and user department associated with the consumption of resources in the specified printer.

Ishii is in the same field of endeavor of collecting printer resource consumption statistics to generate a database at an information processing apparatus (**Abstract and see Paragraphs 48-51 and 55, a plurality of printers and copiers being query by a management server in a management department to send information to the management department where it is compiled into consumption statistics**) comprising:

a specifying unit that specifies user identification information which identifies at least one of a user that uses the image processing apparatus and a department to which the user belongs (**Paragraphs 71-72 and 92, information concerning resource consumed at image processing apparatus and the user ID associated with the consumption are specified and transmitted to the management server. Presumably, CPU of the server specifies ID information by distinguishing it from other information**);

wherein a calculation unit calculates a resource consumption amount of the image processing apparatus for the specified user identification information specified by said specifying unit (**Paragraphs 103 -123, specifically, paragraph 122, a record of resources consumed for a specified user**), and

wherein a preparation unit prepares statistical information concerning the resource consumption amount of the image processing apparatus for the specified user identification information, and does not associate the resource consumption amount of the image

processing apparatus for other specified user with the specified user identification information (**Paragraph 123, specifically, each user is billed with charges only for the amount of resource consumed by said user. As a result, resource consumed by user ID A is not associated with resource consumed by user ID B**).

Ishii provides a system of consumption statistic compilation in which each user or user department is associated with the amount of resources consumed by said user or user department. This formulation is an effective solution to manage a network of image processing apparatus being use by a plurality of users and/or user departments because it can correctly and automatically associate an accurate account of resources consumed at each image processing apparatus with the correct user department that consumes it. Therefore, it would've been obvious to one of ordinary skill in the art at the time of the invention to modify ***Alsop*** to collect information by specifying a user ID or user department and to associate power consumption costs with the user ID that rightfully consumed it while not associating power consumption costs not consumed by the user ID. In this manner, a fair and accurate billing system can be use by a sales company to bill each user or user department for the cost they incurred on a specific image processing apparatus.

Regarding a computer readable storage medium having storing a program to be executed by the information processing apparatus, ***Alsop*** discloses the same **(Col 10, Rows 58-62)**.

Regarding Claims 20 and 26, ***Alsop*** discloses wherein the plurality of operation modes includes a standby mode and a sleep mode (**"waiting" and "power save", see Col 5, Rows 40-41**).

Regarding Claims 21 and 27, after ***Alsop*** is modified to associate consumption information with specified user ID in accordance to ***Ishii***, it is natural for the modification to include an output unit that when the user identification information is specified by said specifying unit, performs an output of the statistical information for the specified user identification information prepared by said preparation unit (***Ishii,*** **Paragraph 55 and see Fig 16 and Paragraph 148**).

Regarding Claims 7 and 25, after ***Alsop*** is modified to associate consumption information with specified user ID in accordance to ***Ishii***, it is natural for the modification to include wherein said output unit outputs the prepared statistical information concerning power consumption to a display unit during designated processing for designating the operation mode or during execution of the operation mode (**Figs 22-23 and see paragraphs 148 and 190**).

6. Claims 5 and 23 are rejected under 35 USC 103(a) as being unpatentable over the combination of ***Alsop (US 6795829 B2)*** and ***Baker (US 7127433 B2)*** in view of ***Ishii et al (US 2001/0034745 A1)*** and ***Furukawa (US 6029238 A)***.

Regarding Claims 5 and 23, the combination discloses wherein said output unit sends the prepared statistical information concerning power consumption to a terminal

apparatus external to the image processing apparatus (***Ishii,* Paragraph 55 and see Fig 16 and Paragraph 148**).

The combination does not suggest sending such information as a markup language.

Furukawa discloses an information processing apparatus for managing an image processing apparatus (**Fig 1, digital copiers 15 or 16 managed by WS1 or WS2**) having a plurality of operation modes, the information processing apparatus has a specifying unit (**Col 8, Rows 17-25 and see Fig 5, printer manager 105**) that specifies user identification information which identifies at least one of a user that uses the image processing apparatus (**Fig 30, status output of a copier comprising information pertaining to a "User"**) with a preparation unit prepares statistical information concerning the power consumption amount of the image processing apparatus for the specified user identification information (**Fig 5, Printer Manager 105 and see Col 8, Rows 17-25 and Col 9, Rows 3-14, a printer manager sends status information, such as the table in Fig 30, to host computer when requested to do so by the host computer or within a predetermined time period where the host computer prepares it for presentation on a display**) wherein said output unit sends the prepared statistical information concerning power consumption to a terminal apparatus external to the image processing apparatus as a markup language (**Col 4, Rows 20-25, to external computer 2**).

Given the need of ***Alsop*** for generating a database containing valuable printer statistics and status, one of ordinary skill in the art at the time of the invention would've look to ***Furukawa*** to implement software codes for printer manager so as to collect statistics that

specifies a user of a specific printer who is responsible for the processing being done at said printer. This combination would result in a configuration where a browser may be use to view the collected statistics and this would be desirable because web browsers are the most commonly implemented medium of display in the modern era.

7. Claims 6 and 24 are rejected under 35 USC 103(a) as being unpatentable over the combination of ***Alsop (US 6795829 B2)*** and ***Baker (US 7127433 B2)*** in view of ***Ishii et al (US 2001/0034745 A1)*** and ***Black (US 4998215 A)***.

Regarding Claims 6 and 24, ***Alsop*** discloses wherein the first operation mode is a printer mode (**Col 5, Row 41 "printing"**).

Alsop does not suggest the second mode includes a send mode.

Black suggests when a transfer of data occurs between an instrument of video source (e.g., display apparatus) to a printer, power consumption of such process should be a factor of consideration (**Col 5, Rows 1-8**).

One of ordinary skill in the art at the time of the invention would've been motivated by ***Black***'s suggestion to consider the power consumption of a data send mode in order to collect pertinent data for billing a specified user for power consumed during such mode.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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